

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARCIA KIMBLE, *individually, and on
behalf of all others similarly situated,*

Case. No. 2:23-cv-10037-DML-EMS

Plaintiff,

v.

FIRST AMERICAN HOME WARRANTY
CORP. and FIVESTRATA LLC,

District Judge David M. Lawson

Defendants.

/

**JOINT NOTICE OF APPOINTMENT OF MEDIATOR AND
STIPULATED MOTION TO STAY DEADLINES PENDING MEDIATION**

AND NOW, Plaintiff Marcia Kimble (“Kimble” or Plaintiff”), Defendant First American Home Warranty Corp. (“FAHWC”) and Defendant FiveStrata LLC (“FiveStrata”) hereby notify the Court of the appointment of a mediator and scheduling of mediation and stipulate to hold deadlines in abeyance pending mediation. Consistent therewith, the Parties state as follows:

1. On July 18, 2023, counsel for the Parties appeared before the Court to address a discovery impasse and discuss their respective positions as to discovery.
2. Upon direction from the Court, the Parties have agreed on the general framework for streamlined pre-certification class discovery.
3. The Parties agreed to work cooperatively to assure discovery could be produced in a manner that was efficient and devoid of undue burden on any party.
4. The Parties have further agreed to appoint **Hon. Gerald E. Rosen** of JAMS as Mediator with FiveStrata paying \$150 and Plaintiff’s counsel and FAHWC splitting the remainder amongst themselves equally.
5. The Parties booked an all-day in-person mediation with Judge Rosen on September 21, 2023.

6. In order to allow the Parties to devote their time and resources toward discovery and preparation for Mediation, the Parties jointly request the Court stay all deadlines, including pending motions to dismiss, motion to stay and motion for class certification..

7. The Parties represent to the Court that they will work diligently to prosecute their claims and defenses. In the event mediation does not result in a settlement, they will promptly return to the existing motions and deadlines.

8. The Parties will submit a joint status report on or before September 28, 2023 to advise the Court as to the outcome of Mediation.

WHEREFORE, Plaintiff Marcia Kimble, Defendant First American Home Warranty Corp. and FiveStrata, LLC hereby stipulate to the foregoing and respectfully request the Court enter an Order consistent with the Proposed Order attached.

SO STIPULATED:

By: */s/ Jacob U. Ginsburg*
Jacob U. Ginsburg, Esq.
Kimmel & Silverman, P.C.
30 East Butler Ave.
Ambler, PA 19002
Phone: (215) 540-8888 x 104
Facsimile: (877) 788-2864
Email: jginsburg@creditlaw.com
teamkimmel@creditlaw.com

/s/ Christopher E. Roberts
Christopher E. Roberts (#61895MO)
Butsch Roberts & Associates LLC
231 S. Bemiston Avenue, Suite 260
Clayton, Missouri 63105
Phone: (314) 863-5700
Fax: (314) 863-5711
E-mail: croberts@butschroberts.com

/s/ Mark Silver
Mark Silver, Esq.

Dentons US LLP
303 Peachtree Street, NE, Suite 5300
Atlanta, GA
D +1 404 527 4671
mark.silver@dentons.com

Michael R. Turco
Michigan Bar No. P48705
BROOKS WILKINS SHARKEY &
TURCO
401 S. Old Woodward Avenue, Suite 400
Birmingham, Michigan 48009
Email: turco@bwst-law.com
248.971.1800 (telephone)
248.971.1801 (facsimile)

*Attorneys for Defendant First American
Home Warranty Corp.*

/s/ Herman Hoffman
Herman Hoffman, Esq.
Varnum LLP
333 Bridge Street NW, Suite 1700
Grand Rapids, Michigan 49504
hdhofman@varnumlaw.com
Attorneys for Defendant FiveStrata, LLC

Dated: July 27, 2023